

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

VISHVA DESAI and PHILIP J. CHARVAT  
on behalf of themselves and others similarly  
situated,

Plaintiffs,

v.

ADT Security Services, Inc.,

Defendant/Third-Party  
Plaintiff,

v.

PETE TOLMAN, LEADS DIRECT  
MARKETING, VOICE TEL  
CORPORATION, CHRISTOPHER LONG,  
EMI, INC., JMB ENTERPRISES, CITY VIP,  
LLC, DIRECT SAVINGS, USA, INC.,  
OSCAR MONTENEGRO, EVERSAFE  
SECURITY SYSTEMS, INC., SAFE  
STREETS USA, LLC, PARAMOUNT  
MEDIA GROUP, THE ELEPHANT GROUP,  
INC., AND UNKNOWN JOHN DOE  
DEFENDANTS I THROUGH XX,

Third-Party Defendants.

SAFE STREETS USA, LLC, SUCCESSOR  
BY MERGER TO EVERSAFE SECURITY  
SYSTEMS, INC.,

Fourth-Party Plaintiff,

v.

DIRECT SAVINGS USA, LLC,

Fourth-Party Defendant.

Case No. 1:11-cv-1925

Judge Bucklo  
Magistrate Judge Keys

**ADT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, Defendant/Third-Party Plaintiff ADT Security Services, Inc. (n/k/a The ADT Corporation or ADT, LLC), by and through its undersigned attorneys, hereby moves this Court for entry of summary judgment in its favor and against Third-Party Defendant Elephant Group, Inc. The facts and argument supporting the motion are set forth in ADT's Statement of Undisputed Material Facts and Memorandum in Support of ADT's Motion for Summary Judgment, which have been contemporaneously filed herewith.

WHEREFORE, Defendant/Third-Party Plaintiff ADT Security Services, Inc. (n/k/a The ADT Corporation or ADT, LLC) prays the Court enter summary judgment in its favor and against Third-Party Defendant Elephant Group, Inc. for all amounts ADT paid to settle this class action, and for all costs and attorneys' fees incurred by ADT to defend the claims asserted by the plaintiffs in this class action, and for all other and further relief as the Court deems just and proper.

Respectfully submitted,

By: /s/ John A. Leja  
John Leja (ARDC 6256269)  
POLSINELLI PC  
161 N. Clark Street, Suite 4200  
Chicago, Illinois 60601  
Telephone: (312) 819-1900  
Facsimile: (312) 819-1910  
*jleja@polsinelli.com*

C. Sanders McNew  
McNEW P.A.  
2385 NW Executive Center Drive  
Suite 100  
Boca Raton, Florida 33431

Telephone: (561) 299-0257  
*mcnew@mcnew.net*

*Attorneys for Defendant/Third-Party  
Plaintiff ADT Security Services, Inc. (n/k/a  
The ADT Corporation or ADT, LLC)*

**CERTIFICATE OF SERVICE**

Please take notice that on July 14, 2014, I caused the foregoing to be filed with the Clerk of the United States District Court for the Northern District of Illinois, utilizing the Court's ECF system which will send a copy of the said documents to all attorneys of record by electronic mail.

By: /s/ John A. Leja